



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/643,976	08/22/2000	Carl C. Bjornson	N0362/7008	1406

7590 03/24/2005

Peter J Gordon  
c/o Wolf Greenfield & Sacks PC  
Federal Reserve Plaza  
600 Atlantic Avenue  
Boston, MA 02210-2211

EXAMINER

KALINOWSKI, ALEXANDER G

ART UNIT	PAPER NUMBER
----------	--------------

3626

DATE MAILED: 03/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/643,976

Applicant(s)

BJORNSON, CARL C.

Examiner

Alexander Kalinowski

Art Unit

3626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12/15/05.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 81-88 and 132-145 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 81-88 and 132-145 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. Claims 81-88 and 132-145 are presented for examination. Applicant filed an amendment on 12/15/2004 amending claims 132, 134, and 137-145. Based on Applicant's amendment and arguments, the Examiner withdraws the rejection of claims 132-145 based on 35 USC 101. In addition, Applicant filed a declaration of inventorship under 37 CFR 1.132 with respect to the Bjornson et al., WO 99/45488 reference. However, the declaration is insufficient to overcome the rejection of claims 81-88 and 132-145 based on 35 USC 102. The examiner maintains the 35 USC 102 rejection of the claims and the rejection is a final rejection of the claims.

### ***Response to Arguments***

2. Applicant's amendment to claims 132, 134, and 137-145 has overcome the rejection of claims 132-145 based on 35 USC 101 and the Examiner withdraws the rejection based on 35 USC 101.

3. The declaration under 37 CFR 1.132 filed 12/15/2004 is insufficient to overcome the rejection of claims 81-88 and 132-145 based upon 35 USC 102 as set forth in the last Office action because: the declaration does not establish with specificity that Applicant invented the subject matter in the Bjornson et al., WO 99/45488 reference. Specifically, in the Declaration, Applicant states that Applicant invented the subject matter in the Bjornson et al., WO 99/45488 reference. However, such a statement would seem to indicate the inventorship in the Bjornson et al., WO 99/45488 reference is incorrect or that the inventorship is correct and that part of the subject matter

Art Unit: 3626

disclosed in the Bjornson et al., WO 99/45488 reference, albeit a minor part, is the contribution of the other inventor. In the latter case, even if only a small part of a single claim is attributed to the other inventor, support (i.e. as defined by 35 USC 112) for that feature(s) would be required in the disclosure of the Bjornson et al., WO 99/45488 reference. A statement that one inventor invented the subject matter of the Bjornson et al., WO 99/45488 reference would not seem to be accurate. Since the declaration is insufficient to overcome the rejection of claims 81-88 and 132-145 based on 35 USC 102 and Applicant's arguments are based on the declaration being sufficient to overcome the 35 USC 102 rejection based on the Bjornson et al., WO 99/45488 reference, the rejection is maintained by the Examiner.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

5. Claims 81-88 and 132-145 are rejected under 35 U.S.C. 102(a) as being anticipated by Bjornson et al., WO 99/45488 (hereinafter Bjornson).

As to claims 81-88 and 132-145, Bjornson discloses a resource management system, comprising:

a deficiency database including information regarding deficiencies of

Art Unit: 3626

resources (pages 15-16);

a resource database including information about resources used in an enterprise (i.e.

(pages 15-16, 20-21); and

a processor coupled to the deficiency database and resource database and arranged to

provide information regarding a characteristic of a resource based on one or more

deficiencies related to at least one resource used in the enterprise, the provided

information usable for resource management (pages 17-18 and 25-26).

### ***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Kalinowski, whose telephone number is (703)

Art Unit: 3626

305-2398. The examiner can normally be reached on Monday to Thursday from 9:00 AM to 6:30 PM. In addition, the examiner can be reached on alternate Fridays.

If any attempt to reached the examiner by telephone is unsuccessful, the examiner's supervisor, Joseph Thomas, can be reached on (703) 305-9588. The fax telephone number for this group is (703) 305-7687 (for official communications including After Final communications labeled "Box AF").

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 7th Floor, receptionist.



Alexander Kalinowski

Primary Examiner

Art Unit 3626

3/21/05